

HOUSE BILL No. 1972

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-7-2-200.5; IC 12-20; IC 16-41-19-4.

Synopsis: Township assistance matters. Expands the definition of "wasted resources" to include lump sum payments. Provides that a township is not obligated to provide assistance to an applicant who has been denied assistance under a federal food program. Allows for compensation of a hearing officer who conducts hearings of poor relief appeals. (Current law prohibits compensation of a hearing officer.) Specifies that upon appeal the standard for review of a trustee's poor relief determination is whether the determination constitutes an abuse of discretion. Limits: (1) interim medical assistance by a township to 90 days; and (2) prescription drug coverage and insulin to a 30-day supply. Allows an advanced practice nurse to apply for insulin. Provides that private insurance coverage of the medical treatment received disqualifies an individual from receiving township medical assistance. Requires the office of Medicaid policy and planning to create an administrative plan concerning reimbursement to townships for medical assistance provided to an individual while the individual is waiting for an eligibility determination under Medicaid if the individual would have been eligible to receive the medical services under Medicaid. Requires the preparation of legislation changing the term "poor relief" to "township assistance" in the Indiana Code. Repeals: (1) a provision stating that a township is not obligated to assist individuals who receive state assistance; and (2) the requirement that the township report to the county auditor quarterly on poor relief.

Effective: July 1, 2003.

Stilwell

January 23, 2003, read first time and referred to Committee on Human Affairs.



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Introduced

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1972

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-7-2-200.5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 200.5. "Wasted
3 resources", for purposes of IC 12-20, means:

4 (1) the amount of money or resources expended by an applicant
5 or an adult member of an applicant's household seeking poor
6 relief during the thirty (30) days before the date of application for
7 poor relief for items or services that are not basic necessities; ~~or~~

8 (2) income, resources, or tax supported services lost or reduced as
9 a result of a voluntary act during the sixty (60) days before the
10 date of application for poor relief by an adult member of an
11 applicant's household unless the adult member can establish a
12 good reason for the act; **or**

13 (3) **lump sum amounts of money or resources, including tax**
14 **refunds or other lump sum payments, expended by an**
15 **applicant seeking poor relief or an adult member of the**
16 **applicant's household during the two hundred forty (240)**
17 **days immediately preceding the date of application for poor**

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1 relief for items or services that are not basic necessities, if at
 2 the time of the expenditure there were amounts due and
 3 owing for items or services constituting basic necessities.

4 SECTION 2. IC 12-20-6-0.5 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 0.5. (a) As used in this
 6 section, "member of the applicant's household" includes any person
 7 who lives in the same residence as the applicant.

8 (b) The township trustee shall determine whether an applicant or a
 9 member of the applicant's household has been denied assistance under
 10 IC 12-14-1-1, IC 12-14-1-1.5, IC 12-14-2-5.1, IC 12-14-2-5.3,
 11 IC 12-14-2-18, IC 12-14-2-20, IC 12-14-2-21, IC 12-14-2-24,
 12 IC 12-14-2-26, IC 12-14-2.5, ~~or~~ IC 12-14-5.5, **or a federal food**
 13 **assistance program.**

14 (c) A township trustee has no obligation to extend aid to an
 15 applicant or to a member of an applicant's household who has been
 16 denied assistance as described in subsection (b).

17 (d) A township trustee shall not extend aid to an applicant or to a
 18 member of an applicant's household if the applicant or the member of
 19 the applicant's household has been convicted of an offense under
 20 IC 35-43-5-7 or IC 35-43-5-7.1 as follows:

21 (1) If the conviction is a misdemeanor, a township trustee shall
 22 not extend aid to the applicant or the member of the applicant's
 23 household for one (1) year after the conviction.

24 (2) If the conviction is a felony, a township trustee shall not
 25 extend aid to the applicant or the member of the applicant's
 26 household for ten (10) years after the conviction.

27 SECTION 3. IC 12-20-15-3 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) The board of
 29 county commissioners may:

30 (1) conduct a hearing on the appeal; or

31 (2) appoint a hearing officer:

32 (A) from among the board;

33 (B) from among the employees of the board; or

34 (C) from qualified residents of the county;

35 who will ~~serve without compensation to~~ conduct a hearing for the
 36 board.

37 (b) The board of county commissioners shall develop uniform
 38 written procedures, including provisions for:

39 (1) before the hearing, an opportunity for the appellant or the
 40 appellant's legal representative to review the appellant's poor
 41 relief file and any documents or evidence used by the township
 42 trustee to make the determination under appeal;

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- (2) the order of the proceeding and the procedure for subpoena:
 (A) of a witness; or
 (B) for production of evidence;
 if reasonably requested by the appellant or the township trustee;
 and
 (3) the issuance of a hearing decision within the period prescribed
 by section 6(b)(2) of this chapter.

SECTION 4. IC 12-20-15-4 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. In hearing an appeal,
**the board of commissioners and a hearing officer shall determine
 whether the township trustee abused the trustee's discretion in
 making the appealed decision.** The board of commissioners and a
 hearing officer shall be governed by the township's poor relief
 standards for determining eligibility to the extent that the standards
 comply with existing law for the granting of poor relief. If no legally
 sufficient standards have been established, the board of commissioners
 and the hearing officer shall be guided by the circumstances in each
 case.

SECTION 5. IC 12-20-15-8 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. (a) The township
 trustee or an applicant may appeal a decision of the board of
 commissioners to a circuit or superior court with jurisdiction in the
 county.

(b) In hearing an appeal, **the court shall determine whether the
 township trustee abused the trustee's discretion in making the
 appealed decision.** The court shall be governed by the township's poor
 relief standards for determining eligibility for granting poor relief in the
 township. If legally sufficient standards have not been established, the
 court shall be guided by the circumstances of the case.

SECTION 6. IC 12-20-16-2 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) Except as
 provided in subsections (b) and (c), the township trustee shall, in cases
 of necessity, do the following:

- (1) Promptly provide medical assistance for poor individuals in
 the township who are not provided for in public institutions.
 (2) See that medicines, medical supplies, special diets, or tests
 prescribed by a physician or surgeon in attendance upon poor
 individuals in the township are properly furnished.

(b) A township trustee may not provide to an individual medical
 assistance under the poor relief program if the individual could qualify
 for medical assistance for the same service under:

- (1) IC 12-16;

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- 1 (2) Medicaid; ~~or~~
 2 (3) other governmental medical programs; **or**
 3 (4) **private health insurance covering the individual at the**
 4 **time the assistance was provided.**

5 However, a township trustee may provide interim medical services, **for**
 6 **not more than ninety (90) days**, during the period that the individual
 7 has an application pending for medical assistance under Medicaid
 8 (IC 12-15) or another governmental medical program if the individual
 9 is reasonably complying with all requirements of the application
 10 process.

11 (c) The township trustee shall pay only for the following medical
 12 services for the poor of the township:

- 13 (1) Prescription drugs, **not to exceed a thirty (30) day supply**, as
 14 prescribed by an attending practitioner (as defined in
 15 IC 16-42-19-5) other than a veterinarian.
 16 (2) Office calls to a physician licensed under IC 25-22.5 or
 17 another medical provider.
 18 (3) Dental care needed to relieve pain or infection or to repair
 19 cavities.
 20 (4) Repair or replacement of dentures.
 21 (5) Emergency room treatment that is of an emergency nature.
 22 (6) Preoperation testing prescribed by an attending physician
 23 licensed under IC 25-22.5.
 24 (7) Over-the-counter drugs prescribed by a practitioner (as
 25 defined in IC 16-42-19-5) other than a veterinarian.
 26 (8) X-rays and laboratory testing as prescribed by an attending
 27 physician licensed under IC 25-22.5.
 28 (9) Visits to a medical specialist when referred by an attending
 29 physician licensed under IC 25-22.5.
 30 (10) Physical therapy prescribed by an attending physician
 31 licensed under IC 25-22.5.
 32 (11) Eyeglasses.
 33 (12) Repair or replacement of a prosthesis not provided for by
 34 other tax supported state or federal programs.
 35 (13) Insulin and items needed to administer ~~insulin~~ **the**
 36 **biological, not to exceed a thirty (30) day supply**, in accordance
 37 with section 14 of this chapter.

38 (d) The township trustee may establish a list of approved medical
 39 providers to provide medical services to the poor of the township. Any
 40 medical provider who:

- 41 (1) can provide the particular medical services within the scope
 42 of the provider's license issued under IC 25; and

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(2) is willing to provide the medical services for the charges established by the township trustee; is entitled to be included on the list.

(e) Unless prohibited by federal law, a township trustee who:

(1) provides to an individual medical assistance that is eligible for payment under any medical program described in subsection (b) for which payments are administered by an agency of the state during the pendency of the individual's successful application for the program; and

(2) submits a timely and proper claim to the agency; is eligible for reimbursement by the agency to the same extent as any medical provider. **The office of Medicaid policy and planning shall develop an administrative plan under which townships may be reimbursed by the office for medical services that are provided to an individual by the township while the individual is awaiting an eligibility determination from the state Medicaid program (IC 12-15) if it is determined that the individual would have been eligible to receive the medical services under the Medicaid program at the time they were provided by the township.**

SECTION 7. IC 12-20-16-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. The township trustee is authorized to provide insulin to individuals who are in need of insulin treatment and who are financially unable to purchase the insulin, upon application of a physician licensed under IC 25-22.5 or an advanced practice nurse who is licensed under IC 25-23 and who meets the requirements of IC 25-23-1-11 and IC 25-23-1-19.5. However, an application submitted by a physician or an advanced practice nurse under this section must meet the requirements of IC 16-41-19-4.

SECTION 8. IC 12-20-21-4, AS AMENDED BY P.L.90-2002, SECTION 347, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. If the board of commissioners determines from the quarterly reports filed by the township trustee under IC 12-20-21-5 with the county auditor and the levies made by the respective townships for poor relief purposes that there will be insufficient money in the township poor relief fund to provide free and available money during the following year for poor relief purposes on the basis of the total costs of poor relief granted by the township trustees, as administrators of poor relief, for the previous twelve (12) months:

(1) the board of commissioners may include estimates for the advancements in the county general fund budget;



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(2) the county fiscal body may appropriate for the advancement in the budget and levy as adopted by the county fiscal body; and
 (3) the department shall include that amount in the final county general fund levy.

SECTION 9. IC 16-41-19-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. The ~~physicians~~ **physician or advanced practice nurse** applying for free biologicals as provided in this chapter and IC 12-20-16-14 shall sign in ink the following affirmation printed on the application form:

I solemnly affirm that the free biologicals applied for will be administered to the person named above, and it is my belief after inquiry that the person is financially unable to pay for the biologicals.

SECTION 10. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2003]: IC 12-20-6-6; IC 12-20-21-5.

SECTION 11. [EFFECTIVE JULY 1, 2003] (a) **Beginning July 1, 2003, any reference in the Indiana Code to poor relief (as administered by a township under IC 12-20) shall be treated as a reference to township assistance.**

(b) **The legislative services agency shall prepare legislation for introduction in the 2004 session of the general assembly to organize and correct statutes by changing any reference to the township poor relief program in the Indiana Code from "poor relief" to "township assistance".**

(c) **If during the preparation of legislation under subsection (b) the legislative services agency cannot determine whether a particular instance of the term "poor relief" refers to the township program administered under IC 12-20, the legislative services agency may omit changing that reference in the legislation.**

(d) **This SECTION expires June 30, 2007.**

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